

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JULIE ANN CARTER and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER, North Chicago, IL

*Docket No. 99-335; Submitted on the Record;
Issued March 23, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant met her burden of proof in establishing that she sustained carpal tunnel syndrome in the performance of duty.

The Board has duly reviewed the case record in the present appeal and finds that the Office of Workers' Compensation Programs properly determined, in its February 26, 1998 decision, that appellant failed to meet her burden of proof in establishing that she sustained carpal tunnel syndrome caused by her employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.² These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

There is no dispute that appellant is a federal employee, that she timely filed her claim for compensation benefits, and that the workplace incidents or exposure occurred as alleged. However, the medical evidence is insufficient to establish that appellant sustained an injury in

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

the performance of duty.⁴ The Office, on December 9, 1997 and on January 15, 1998, requested that appellant provide her physician's explanation of how particular work factors caused her claimed condition. Appellant did not submit responsive medical evidence.⁵ The only medical evidence that was in the record at the time of the Office's February 26, 1998 decision consisted of several reports and treatment notes from Dr. Shaku Chhabria, a Board-certified neurologist. In these reports and treatment notes, Dr. Chhabria notes findings, diagnoses bilateral carpal tunnel syndrome and suggests work restrictions and treatment options. However, he did not specifically address whether any particular factor of appellant's employment caused or aggravated her diagnosed condition. To establish her claim, it is essential that appellant submit medical evidence explaining how and why particular employment factors caused her claimed condition.⁶ Consequently, appellant has not submitted sufficient medical evidence to establish that her carpal tunnel syndrome was caused or aggravated by employment factors. In view of this, appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

The February 26, 1998 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
March 23, 2000

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member

⁴ Part of a claimant's burden of proof includes the submission of rationalized medical evidence based upon a complete factual and medical background showing causal relationship between the claimed injury and employment factors; see *Mary J. Briggs*, 37 ECAB 578 (1986); *Joseph T. Gulla*, 36 ECAB 516 (1985).

⁵ Following issuance of the Office's February 26, 1998 decision, appellant submitted new medical evidence. However, the Board cannot consider new evidence on appeal as its regulations provide that the Board's review of a case shall be limited to the evidence in the case record that was before the Office at the time of the Office's final decision. 20 C.F.R. § 501.2(c).

⁶ See *supra* note 4; *supra* note 3 at 352.